

# EXHIBIT 5



Kathleen L. Bogas  
Brian E. Koncius

Lisa M. Panourgias  
Of Counsel

October 1, 2021  
Via E-Mail

Elizabeth Seney, Esq  
Title IX Coordinator, Senior Associate Director  
Office of Institution Equity  
University of Michigan  
2072 Administrative Services Building  
1009 Greene St  
Ann Arbor, MI 48109-1432  
elefond@umich.edu phone: 734-763-0235

Dear Ms. Seney,

I represent Philip Schoenfeld, MD, and wanted to update you about an unfortunate legal matter related to Dr. Schoenfeld and [REDACTED].

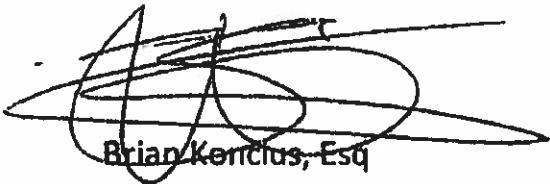
As you may remember, [REDACTED] made multiple defamatory statements and false accusations to UM personnel about Dr. Schoenfeld. Ultimately, Dr. Schoenfeld was forced to file a defamation lawsuit against [REDACTED]. This lawsuit was recently concluded in favor of Dr. Schoenfeld and [REDACTED] was ordered to pay damages. [REDACTED] has also formally retracted those defamatory statements, and, as reflected in the attached letter, she has also formally apologized to Dr. Schoenfeld, his family, and UM personnel for her actions.

Dr. Schoenfeld and I now consider this situation to be resolved, and we wanted your office to be aware of this, too. The Court has formally prohibited [REDACTED], [REDACTED], and others acting in connection with her, from repeating or re-publishing any of the defamatory statements. Additionally, [REDACTED] has agreed, and the Court has ordered, that any violation of that injunction result in the imposition of an additional mid six-figure judgment against her. As a result of those prospective

penalties, Dr. Schoenfeld and I consider a recurrence of [REDACTED] defamation to be extremely unlikely.

On behalf of Dr. Schoenfeld, I express his sincere regret for the difficulties caused by this incident. Dr. Schoenfeld and I request a reply to confirm receipt of this email. We also request confirmation that this email and the attached letter from [REDACTED] is included in any file that you created in response to [REDACTED] statements.

Respectfully,



A handwritten signature in black ink, appearing to read "Brian Koenclaus, Esq." Below the signature, the name "Brian Koenclaus, Esq." is typed in a smaller, clean font.



Kathleen L. Bogas  
Brian E. Koncius

Lisa M. Panourgiас  
Of Counsel

October 1, 2021  
Via E-Mail

Chung Owyang, MD  
Chief-Division of Gastroenterology and Hepatology  
University of Michigan School of Medicine  
1500 E. Medical Center Drive  
Ann Arbor, MI 48105  
[cowyang@umich.edu](mailto:cowyang@umich.edu) phone: 734-936-4785

Dear Dr. Owyang,

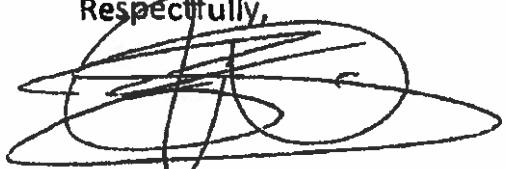
I represent Philip Schoenfeld, MD, and wanted to update you about an unfortunate legal matter related to Dr. Schoenfeld and [REDACTED].

As you may remember, [REDACTED] made multiple defamatory and false statements to UM personnel about Dr. Schoenfeld. Furthermore, [REDACTED] also sent defamatory emails with multiple false accusations about Dr. Schoenfeld during his recruitment to the Division of Gastroenterology at Stanford. Ultimately, Dr. Schoenfeld was forced to file a defamation lawsuit against [REDACTED]. This lawsuit was recently concluded in favor of Dr. Schoenfeld and [REDACTED] was ordered to pay damages. [REDACTED] has also formally retracted those defamatory statements, and, as reflected in the attached letter, she has also formally apologized to Dr. Schoenfeld, his family, and UM personnel for her actions.

Dr. Schoenfeld and I now consider this situation to be resolved. The Court has formally prohibited [REDACTED] and others acting in connection with her, from repeating or re-publishing any of the defamatory statements contained in her emails. Additionally, [REDACTED] has agreed, and the Court has ordered, that any violation of that injunction result in the imposition of an additional mid six-figure judgment against her. As a result of those prospective penalties, Dr. Schoenfeld and I consider a recurrence of [REDACTED] defamation to be extremely unlikely.

On behalf of Dr. Schoenfeld, I express his sincere regret for the difficulties caused by this incident. He holds you in the highest esteem and greatly appreciates your mentorship. You guided his contributions to UM's Division of Gastroenterology, including the creation of the T32 Training Program in GI Epidemiology and the development of the cadre of GI health services researchers at the Ann Arbor VA HCS. He remains quite proud of that work and has often expressed that his academic accomplishments are a direct result of your leadership and support, and he deeply values his personal friendship with you.

Respectfully,

A handwritten signature in black ink, appearing to read "Brian Koncius, Esq.", is written over a stylized, abstract drawing consisting of several overlapping circles and ovals.

Brian Koncius, Esq



Kathleen L. Bogas  
Brian E. Koncius  
  
Lisa M. Panourgias  
Of Counsel

October 1, 2021  
Via E-Mail

Gloria Hage, Esq.  
Senior Associate General Counsel  
Office of the Vice-President and General Counsel  
University of Michigan  
Ann Arbor, MI  
Email: [REDACTED] phone: [REDACTED]

Dear Gloria,

I hope that this finds you well. As you know, I represent Philip Schoenfeld, MD, and wanted to update you about the unfortunate legal matter related to Dr. Schoenfeld and

As you likely recall, [REDACTED] made multiple defamatory statements and false accusations to UM personnel about Dr. Schoenfeld. Ultimately, Dr. Schoenfeld was forced to file a defamation lawsuit against [REDACTED]. This lawsuit was recently concluded in favor of Dr. Schoenfeld and [REDACTED] was ordered to pay damages. [REDACTED] has also formally retracted those defamatory statements, and, as reflected in the attached letter, she has also formally apologized to Dr. Schoenfeld, his family, and UM personnel for her actions.

Dr. Schoenfeld and I now consider this situation to be resolved, and we wanted your office to be aware of this, too. The Court has formally prohibited [REDACTED] and others acting in connection with her, from repeating or re-publishing any of the defamatory statements. Additionally, [REDACTED] has agreed, and the Court has ordered, that any violation of that injunction result in the imposition of an additional mid six-figure judgment against her. As a result of those prospective penalties, Dr. Schoenfeld and I consider a recurrence of [REDACTED] defamation to be extremely unlikely.

On behalf of Dr. Schoenfeld, I express his sincere regret for the difficulties caused by this incident. Dr. Schoenfeld and I request a reply to confirm receipt of this email. We also request confirmation that this email and the attached letter from [REDACTED] is included in any file that you created in response to [REDACTED] statements.

Respectfully,

  
Brian Koncious, Esq



Kathleen L. Bogas  
Brian E. Koncius

Lisa M. Panourgias  
Of Counsel

October 1, 2021  
Via E-Mail

Brian Zink, MD  
Senior Associate Dean, Faculty and Faculty Development  
University of Michigan School of Medicine  
1500 E. Medical Center Drive  
Ann Arbor, MI 48109  
[bzink@med.umich.edu](mailto:bzink@med.umich.edu) phone: 734-615-2766

Dear Dr. Zink,

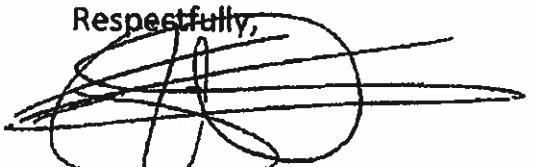
I represent Philip Schoenfeld, MD, and wanted to update you about an unfortunate legal matter related to Dr. Schoenfeld and [REDACTED].

As you may remember, [REDACTED] made multiple defamatory statements and false accusations to UM personnel about Dr. Schoenfeld. This was detailed in the attached email correspondence between you and Dr. Schoenfeld from January 2020. Ultimately, Dr. Schoenfeld was forced to file a defamation lawsuit against [REDACTED]. This lawsuit was recently concluded in favor of Dr. Schoenfeld and [REDACTED] was ordered to pay damages. [REDACTED] has also formally retracted those defamatory statements, and, as reflected in the attached letter, she has also formally apologized to Dr. Schoenfeld, his family, and UM personnel for her actions.

Dr. Schoenfeld and I now consider this situation to be resolved, and we wanted your office to be aware of this, too. The Court has formally prohibited [REDACTED], and others acting in connection with her, from repeating or re-publishing any of the defamatory statements. Additionally, [REDACTED] has agreed, and the Court has ordered, that any violation of that injunction result in the imposition of an additional mid six-figure judgment against her. As a result of those prospective penalties, Dr. Schoenfeld and I consider a recurrence of [REDACTED] defamation to be extremely unlikely.

On behalf of Dr. Schoenfeld, I express his sincere regret for the difficulties caused by this incident. He considers his time at UM to have been a highlight of his career and continues to be very appreciative to the personnel in the Department of Internal Medicine and Division of Gastroenterology.

Respectfully,



Brian E. Konciu



Kathleen L. Bogas  
Brian E. Koncius

Lisa M. Panourgias  
Of Counsel

October 1, 2021  
Via E-Mail

John Allen, MD  
Division of Gastroenterology and Hepatology  
University of Michigan School of Medicine  
1500 E. Medical Center Drive  
Ann Arbor, MI 48109  
[allenji@med.umich.edu](mailto:allenji@med.umich.edu) 734-936-4785

Dear Dr. Allen,

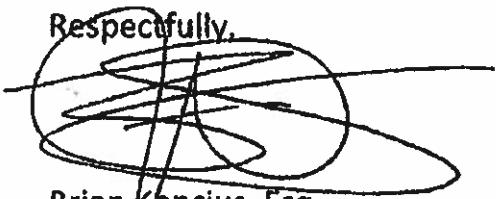
I represent Philip Schoenfeld, MD, and wanted to update you about an unfortunate legal matter related to Dr. Schoenfeld and [REDACTED].

As you may remember, [REDACTED] made multiple defamatory statements and false accusations about Dr. Schoenfeld to UM personnel. Ultimately, Dr. Schoenfeld was forced to file a defamation lawsuit against [REDACTED]. This lawsuit was recently concluded in favor of Dr. Schoenfeld and [REDACTED] was ordered to pay damages. [REDACTED] has also formally retracted those defamatory statements, and, as reflected in the attached letter, she has also formally apologized to Dr. Schoenfeld, his family, and UM personnel for her actions.

Dr. Schoenfeld and I now consider this situation to be resolved. The Court has formally prohibited [REDACTED] and others acting in connection with her, from repeating or re-publishing any of her defamatory statements. Additionally, [REDACTED] has agreed, and the Court has ordered, that any violation of that injunction result in the imposition of an additional mid six-figure judgment against her. As a result of those prospective penalties, Dr. Schoenfeld and I consider a recurrence of [REDACTED] defamation to be extremely unlikely.

On behalf of Dr. Schoenfeld, I express his sincere regret for the difficulties caused by this incident. He remains very proud of his prior work at UM and is quite glad that he played a small role in your recruitment to UM. I know that he greatly admires your work to improve clinical care at UM as Chief Clinical Officer of the UM Medical Group and your many contributions to the AGA and academic GI. He values his collegial relationship with you and looks forward to seeing you at future conferences and other academic events.

Respectfully,

  
Brian Koncious, Esq



Kathleen L. Bogas  
Brian E. Koncius

Lisa M. Panourgias  
Of Counsel

October 1, 2021  
Via E-Mail

John M. Carethers, MD  
Chair, Department of Internal Medicine  
University of Michigan School of Medicine

3110 Taubman Center, SPC 5368  
1500 E. Medical Center Drive  
Ann Arbor, MI 48109-5368  
[jcarethe@med.umich.edu](mailto:jcarethe@med.umich.edu) phone: 734-936-4340

Dear Dr. Carethers,

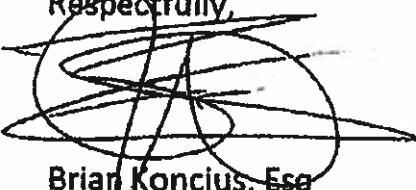
I represent Philip Schoenfeld, MD, and wanted to update you about an unfortunate legal matter related to Dr. Schoenfeld and [REDACTED].

As you may remember, [REDACTED] made multiple defamatory statements and false accusations to UM personnel about Dr. Schoenfeld. Ultimately, Dr. Schoenfeld was forced to file a defamation lawsuit against [REDACTED]. This lawsuit was recently concluded in favor of Dr. Schoenfeld and [REDACTED] was ordered to pay damages. [REDACTED] has also formally retracted those defamatory statements, and, as reflected in the attached letter, she has also formally apologized to Dr. Schoenfeld, his family, and UM personnel for her actions.

Dr. Schoenfeld and I now consider this situation to be resolved. The Court has formally prohibited [REDACTED] and others acting in connection with her, from repeating or re-publishing any of the defamatory statements. Additionally, [REDACTED] has agreed, and the Court has ordered, that any violation of that injunction result in the imposition of an additional mid six-figure judgment against her. As a result of those prospective penalties, Dr. Schoenfeld and I consider a recurrence of [REDACTED] defamation to be extremely unlikely.

On behalf of Dr. Schoenfeld, I express his sincere regret for the difficulties caused by this incident. He wishes to congratulate you on your upcoming term as President of the AGA and express his admiration for all that you've done to improve the Department of Internal Medicine at UM. He is very appreciative of you, Dr. Owyang, and other UM personnel that helped him during his career. He values his collegial relationships with you and many UM personnel and looks forward to seeing you at DDW and other events.

Respectfully,

  
Brian Koncius, Esq.

To Whom it May Concern,

I am writing to retract any statements made about Dr. Philip Schoenfeld in my previous written and verbal communications with you and other University of Michigan personnel and any correspondence sent to you on my behalf and at my insistence by my counsel. My claims about Dr. Schoenfeld were false and unjustified, and I now understand that they constituted defamation of character. I regret making these false statements and I apologize to Dr. Schoenfeld for the damage I caused to him and his family. I regret the difficulty and disruptions that I've caused to you and your colleagues at the University of Michigan.

The following statements that were made by me are false and defamatory:

- the University of Michigan conducted an investigation of Dr. Schoenfeld for sexual harassment and sexual misconduct;
- the University of Michigan found that Dr. Schoenfeld had committed sexual misconduct;
- the University of Michigan terminated Dr. Schoenfeld;
- the University of Michigan's termination of Dr. Schoenfeld resulted from Dr. Schoenfeld's supposed sexual misconduct;
- Dr. Schoenfeld violated University of Michigan policies in connection with me;
- Dr. Schoenfeld engaged in sex with me without my consent;
- Dr. Schoenfeld committed sexual assault as to, or raped, me;
- the University of Michigan determined that certain of Dr. Schoenfeld's conduct, as reported to the University by me, constituted sexual assault and / or sexual misconduct;
- Dr. Schoenfeld jeopardized patient care in connection with his duties at the University of Michigan;
- Dr. Schoenfeld misled Stanford University in connection with his recruitment for a Stanford faculty position, including without limitation by failing to disclose his supposed termination by the University of Michigan; and
- Dr. Schoenfeld violated the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") while at the University of Michigan.

The above list is not exhaustive but I wanted to correct the statements I made to University of Michigan personnel.

I understand that Dr. Schoenfeld was forced to file suit against me as a result and I have agreed to settle this matter wherein a Judgement will be entered in favor of Dr. Schoenfeld identifying my false statements. I have also requested that the Court strike these from the legal record in their entirety. Further, I understand that I face severe monetary and legal sanctions should I violate this Judgement, therefore I will not make any further comments about Dr. Schoenfeld. Thank you for your time and attention to this important matter.

Sincerely,

Constance A. Webb

CONSTANCE A. WEBB  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Jul 6, 2023  
~~COUNTY OF OAKLAND~~